

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	John Chen)
)
Serial No.:	10/695,641)
)
Filing Date:	October 27, 2003) Art Unit
) 2812
Confirmation No.:	6417)
)
Title:	APPARATUS AND METHOD FOR)
	STACKING LASER BARS FOR)
	UNIFORM FACET COATING)
)
Examiner:	Walter Lee Lindsay, Jr.)
)
Customer No.:	022913)

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

MAIL STOP: AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant submits this paper in response to the Office Action mailed January 19, 2007 (the "Office Action"). In the Office Action, the Examiner set forth a Restriction Requirement that identified what the Examiner has characterized as two (2) patentably distinct species of the claimed invention. In particular, the Examiner suggested in the Office Action that the present application contains claims directed to the following species:

- I. An apparatus as disclosed by claim 1; and
- II. A system for stacking photonic devices.

The Examiner has indicated that the species are independent or distinct because the apparatus is a distinct product while the system is the way of operating the apparatus in conjunction with other products. Currently, no claims are generic to any of the aforementioned species.

In response to the Election of Species Requirement set forth in the Office Action, Applicant hereby elects Species I, directed to claims 1-10, without traverse.

Applicant notes that while the election set forth herein is made without traverse, the mere fact that no traverse is made does not constitute, and should not be construed as, an assessment or judgment by the Applicant as to the merits, if any, of: the characterization of the claims and species advanced by the Examiner in the election of species requirement set forth in the Office Action; or, any other assertions, allegations, statements or characterizations made by the Examiner in that election of species requirement.

Applicant's election herein is made without prejudice. As noted by the Examiner, upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species that are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

An action on the merits of claims 1-10 and a Notice of Allowance thereof are respectfully requested. In the event that the Examiner wishes to discuss any of the matters contemplated hereby, the Examiner is invited to initiate a telephone conversation with the undersigned.

Dated this 12th day of February, 2007

Respectfully submitted,

/Peter F. Malen, Jr./

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PFM/gpm